



**US Army Corps
of Engineers**

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

NUMBER: 29846S DATE: October 11, 2005
RESPONSE REQUIRED BY: October 26, 2005

PERMIT MANAGERS: Bob Smith

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1. INTRODUCTION: The Port of San Francisco (The Port), through its point of contact Mr. John Mundy (Port of San Francisco, Pier 1, San Francisco, California 94111), has applied for a U.S. Army, Corps of Engineers (Corps) permit to repair the failed breakwater at Pier 14 and install a scour rock cap to prevent future damage. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403).

2. PROPOSED PROJECT:

Project Site: The project will be located at Pier 14, San Francisco. Current conditions at the site consist of an existing, but damaged, breakwater and access pier.

Project Description: As shown in the attached drawings, the applicant plans to repair a breakwater panel at Pier 14 and install scour rock cap along the entire length of the breakwater. The breakwater panels were originally designed to extend 10' below the mudline. Since construction of the breakwater was completed in 2001, the mudline at the base of the concrete panels has been scoured by currents. As a result, the panels have lost support and one panel has failed completely. The failed panel, number 41, will be repaired by form poured concrete on-site. In addition to repairing the damaged panel, the Port proposes to install a scour rock cap, using riprap, along the entire length of the breakwater. The scour rock cap will re-establish the grade prior to the

breakwater construction and prevent future damage that would result from continued mud scour.

Impacts: The project will result in 6,000 cubic yards (cy) of fill into 0.21 acres of Corps jurisdictional waters.

3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations (40 C.F.R. Parts 1500-1508), and the Corps' Regulations (33 C.F.R. Part 230 and Part 325, Appendix B). Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197.

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely

affect any Federally listed threatened or endangered species or its designated critical habitat.

Magnuson-Stevens Fisheries Conservation and Management Act: The NMFS and several interagency fisheries councils have designated specific water bodies as Essential Fish Habitat (EFH) in accordance with the Magnuson-Stevens Fisheries Conservation and Management Act.

Clean Water Act of 1972 (CWA):

a. Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the San Francisco Bay Regional Water Quality Control Board. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issue that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612 by the close of the comment period of this Public Notice.

b. Alternatives: Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is water dependent.

Coastal Zone Management Act of 1972 (CZMA): Section 307 of the Coastal Zone Management Act requires the applicant to certify that the proposed project is consistent with the State's Coastal Zone Management Program, if applicable. No Corps permit will be issued until the State has concurred with the applicant's certification. Coastal development issues should be directed to the San Francisco Bay Conservation and Development Commission (BCDC), 50 California Street, Suite 2600, San Francisco, California 94111.

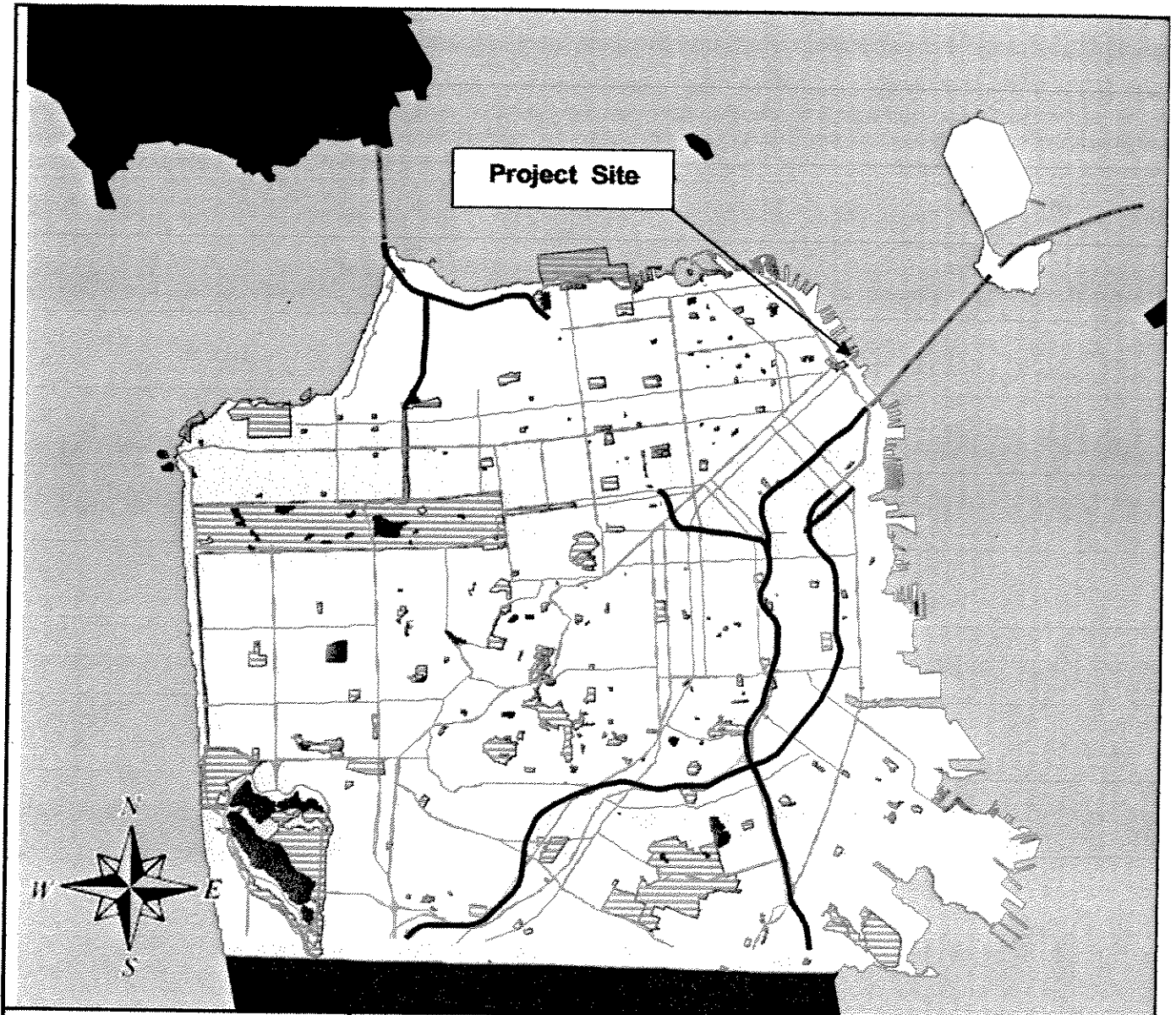
National Historic Preservation Act of 1966 (NHPA): Based on a review of survey data on file with various City, State and Federal agencies, no historic or archeological resources are known to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

4. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

5. CONSIDERATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

made in the final permit action will be provided upon request.

6. SUBMISSION OF COMMENTS: Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice, by contacting Bob Smith at phone: 415-977-8450 or email: Robert.F.Smith@usace.army.mil or by contacting Jessica Burton Evans at phone: 415-977-8590 or email: Jessica.L.BurtonEvans@usace.army.mil. Details on any changes of a minor nature that are



**PURPOSE: PIER 14
BREAKWATER
REPAIR**

LOCATION MAP

NOT TO SCALE

**SAN FRANCISCO FERRY TERMINAL
BREAKWATER REPAIR**

AT: PIER 14

COUNTY OF: SAN FRANCISCO

DATUM:

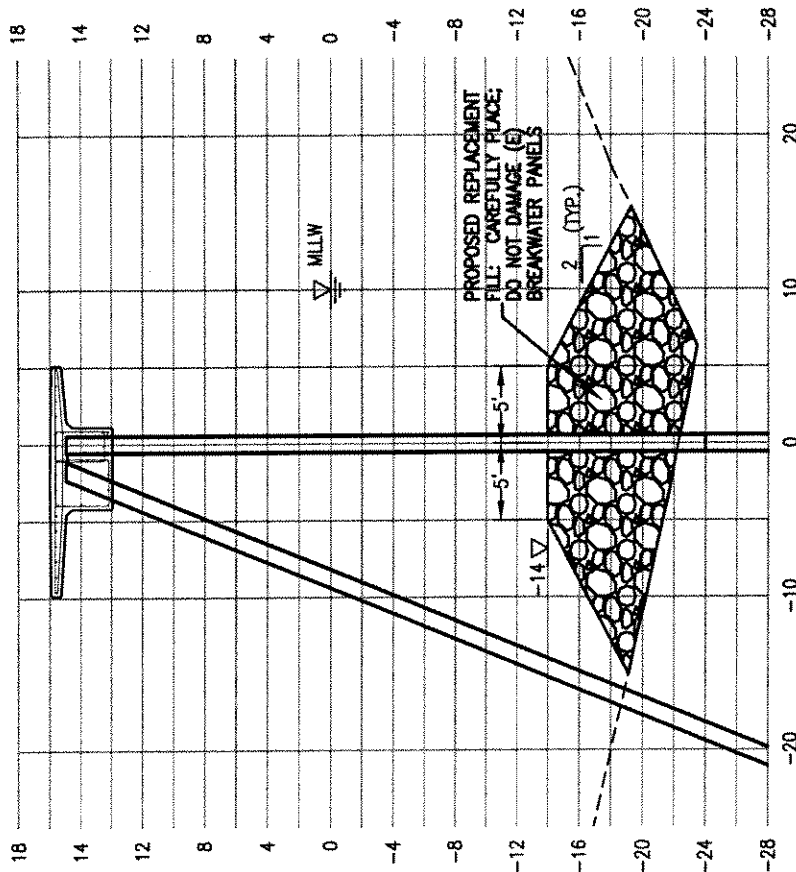
**ADJACENT PROPERTY
OWNERS:**

**PORT OF SAN FRANCISCO
PIER 1
SAN FRANCISCO, CA 94111**

**APPLICATION BY: PORT OF SAN
FRANCISCO**

SHEET 1 OF 1 DATE: SEPT 21, 2005

ESTIMATED QUANTITY
10,000 TONS
= 5,600 CU. YD.±



TYPICAL REPAIR SECTION
(@ PANEL 38)
SCALE RATIO = 1:1

SAN FRANCISCO PORT COMMISSION PORT OF SAN FRANCISCO DEPARTMENT OF ENGINEERING		APPROVED BY SAN FRANCISCO PORT COMMISSION DATE: _____		SCALE AS SHOWN REV. NO. XX		PIER 14 REPLACEMENT FILL AND PROTECTION TYPICAL SECTION		CONTRACT NO. N/A DRAWING NO. 12550-14-C SHEET OF SHEETS C-3 3 OF 3	
DESIGNED BY DATE: 8/11/78 DRAWN BY DATE: 8/11/78 CHECKED BY DATE: 8/11/78		CHECKED BY DATE: 8/11/78		DESIGNED BY DATE: 8/11/78		CHECKED BY DATE: 8/11/78		FILE: 6108 SURVEY/Hydrographic Surveys/Pier 14/2000/Item 14000/38 06/08/03/28.dwg	